

FILED  
GREAT FALLS DIV.

2008 AUG 13 AM 10 07

IN THE UNITED STATES DISTRICT COURT  
BY \_\_\_\_\_  
FOR THE DISTRICT OF MONTANA DEPUTY CLERK

**BUTTE DIVISION**

ARTHUR JOHN EKLUND, JR.,

Plaintiff,

No. CV-08-37-BU-SEH

vs.

CAPTAIN BARKELL, et al.,

Defendants.

**ORDER**

On June 20, 2008, United States Magistrate Judge Keith Strong entered his Findings and Recommendation<sup>1</sup> in this matter. Plaintiff filed objections on June 27, 2008, and July 2, 2008.<sup>2</sup> The Court reviews *de novo* findings and recommendations to which objections are made. 28 U.S.C. § 636(b)(1).

Upon *de novo* review of the record, I find no error in Judge Strong's Findings and Recommendation and adopt them in full.

**ORDERED:**

1. Plaintiff's Motion for Default Judgment<sup>3</sup> is DENIED.

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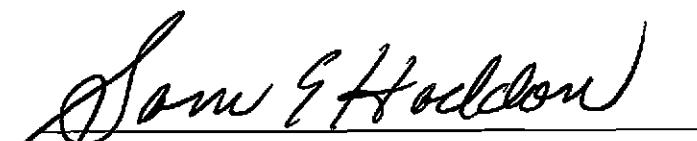
<sup>1</sup> Document No. 13

<sup>2</sup> Document Nos. 14 and 15

<sup>3</sup> Document No. 8

2. Defendants' Motions for Judgment on the Pleadings<sup>4</sup> are GRANTED.
3. Plaintiff's Complaint<sup>5</sup> is DISMISSED with prejudice on grounds it is barred by the applicable statute of limitations.
4. The filing of this action counts as one strike under 28 U.S.C. § 1915(g).
5. Any appeal from this disposition will not be taken in good faith as Plaintiff's claims are time barred. Fed. R. App. P. 24(a)(3).
6. The Clerk of Court is directed to enter judgment accordingly.

DATED this 13<sup>th</sup> day of August, 2008.



SAM E. HADDON  
United States District Judge

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<sup>4</sup> Document Nos. 4 and 6

<sup>5</sup> Document No. 11